

SENATE BILL NO. 297—SENATOR O’CONNELL (BY REQUEST)

MARCH 8, 2001

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing elections. (BDR 24-841)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to elections; establishing uniform, statewide standards for counting votes cast using certain methods of voting; requiring the secretary of state to adopt regulations establishing uniform, statewide standards for counting votes cast using all other methods of voting; making various changes relating to requests for absent ballots; designating the office of county clerk as a nonpartisan office; establishing procedures concerning the custody of certain ballots; limiting a recount requested by a candidate to a recount of the votes received for that candidate and the votes received for the candidate who won the election; prohibiting members of a board of county commissioners or a city council from serving on a recount board under certain circumstances; requiring a circulator of certain petitions to provide specified information to a voter before the voter signs the petition; providing a civil penalty for a circulator of certain petitions who willfully misrepresents the provisions of the petition; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 293 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1.** *When counting a vote in an election, if more choices*
4 *than permitted by the instructions for a ballot are marked for any office*
5 *or question, the vote for that office or question may not be counted.*
6 **2.** *Except as otherwise provided in subsection 1, in an election in*
7 *which a paper ballot is used whereby a vote is cast by placing a cross in*
8 *the designated square on the paper ballot, a vote on the ballot must not*
9 *be counted unless indicated by a cross in the designated square.*
10 **3.** *Except as otherwise provided in subsection 1, in an election in*
11 *which a mechanical voting system is used whereby a vote is cast by*
12 *punching a card:*
13 **(a)** *A chip on the card must be counted as a vote if:*



1 (1) *The chip has at least one corner that is detached from the card;*
2 *or*

3 (2) *The fibers of paper on at least one edge of the chip are broken*
4 *in a way that permits unimpeded light to be seen through the card.*

5 (b) *A writing or other mark on the card, including, without limitation,*
6 *a cross, check, tear or scratch, may not be counted as a vote. The votes*
7 *on such a card must be counted unless the ballot is otherwise*
8 *disqualified.*

9 4. *Except as otherwise provided in subsection 1, in an election in*
10 *which a mechanical voting system is used whereby a vote is cast by*
11 *darkening a designated space on the ballot:*

12 (a) *Except as otherwise provided in paragraph (b), a vote must be*
13 *counted if:*

14 (1) *There is a cross or dot in the designated space on the ballot;*

15 (2) *A line is drawn on the ballot around the name of a candidate; or*

16 (3) *In a general election, a line is drawn on the ballot around the*
17 *name of the political party of a candidate or the word "independent" or*
18 *"nonpartisan" following the name of a candidate.*

19 (b) *A dot or line described in paragraph (a) must not be counted as a*
20 *vote if there is a cross marked over the dot or line.*

21 5. *The secretary of state:*

22 (a) *May adopt regulations establishing additional uniform, statewide*
23 *standards, not inconsistent with this section, for counting a vote cast by a*
24 *method of voting described in subsection 2, 3 or 4; and*

25 (b) *Shall adopt regulations establishing uniform, statewide standards*
26 *for counting a vote cast by each method of voting used in this state that is*
27 *not described in subsection 2, 3 or 4, including, without limitation, a vote*
28 *cast on a mechanical recording device which directly records the votes*
29 *electronically.*

30 **Sec. 3.** *1. If a political party provides a form to request an absent*
31 *ballot to a registered voter and the political party includes incorrect or*
32 *incomplete information on the form, the political party may correct the*
33 *information on the form after the registered voter completes the form*
34 *upon the approval of the county clerk.*

35 2. *If the county clerk authorizes a political party to correct*
36 *information pursuant to subsection 1, the county clerk shall:*

37 (a) *Notify all other political parties in this state of the authorization;*
38 *and*

39 (b) *Authorize the other political parties in this state to make similar*
40 *corrections.*

41 3. *An error in the information included in a form to request an*
42 *absent ballot does not constitute grounds for rejecting an absent ballot*
43 *cast by the voter.*

44 **Sec. 4.** *NRS 293.127 is hereby amended to read as follows:*

45 293.127 *1. This Title shall be liberally construed to the end that all*
46 *electors shall have an opportunity to participate in elections and that the*
47 *real will of the electors may not be defeated by any informality or by*
48 *failure substantially to comply with the provisions of this Title with respect*



1 to the giving of any notice or the conducting of an election or certifying the
2 results thereof.

3 ***2. For purposes of counting a vote, the real will of an elector must be***
4 ***determined pursuant to section 2 or 25 of this act or regulations adopted***
5 ***pursuant to section 2 or 25 of this act.***

6 **Sec. 5.** NRS 293.195 is hereby amended to read as follows:

7 293.195 1. Judicial offices, school offices, the office of county
8 sheriff, ***the office of county clerk,*** the board of regents of the University of
9 Nevada, city and town officers, the state board of education and members
10 of boards of hospital trustees of public hospitals are hereby designated
11 nonpartisan offices.

12 2. No words designating the party affiliation of a candidate for
13 nonpartisan offices may be printed upon the ballot.

14 **Sec. 6.** NRS 293.304 is hereby amended to read as follows:

15 293.304 1. If a person is successfully challenged on the ground set
16 forth in paragraph (c) of subsection 2 of NRS 293.303 or if a person
17 refuses to provide an affirmation pursuant to NRS 293.525, the election
18 board shall instruct the voter that he may vote only at the special polling
19 place in the manner set forth in this section.

20 2. The county clerk of each county shall maintain a special polling
21 place in his office and at such other locations as he deems necessary during
22 each election. The ballots voted at the special polling place must be kept
23 separate from the ballots of voters who have not been so challenged or who
24 have provided an affirmation pursuant to NRS 293.525 in:

25 (a) A special ballot box if the ballots are paper ballots or ballots which
26 are voted by punching a card; or

27 (b) A special sealed container if the ballots are ballots which are voted
28 on a mechanical recording device which directly records the votes
29 electronically.

30 3. ***At the end of each day before election day, the county clerk shall***
31 ***remove the ballots from the special ballot box, neatly stack the ballots in***
32 ***a container and seal the container with a numbered seal.***

33 4. A person who votes at a special polling place may place his vote
34 only for the following offices and questions:

35 (a) President and Vice President of the United States;

36 (b) United States Senator;

37 (c) All state officers for whom all voters in the state may vote;

38 (d) All officers for whom all voters in the county may vote; and

39 (e) Questions which have been submitted to all voters of the county or
40 state.

41 ~~4.~~ **5.** The ballots voted at the special polling place must be counted
42 when other ballots are counted and:

43 (a) If the ballots are paper ballots or ballots which are voted by
44 punching a card, maintained in a separate ballot box ~~or~~ ***or separate sealed***
45 ***container;*** or

46 (b) If the ballots are ballots which are voted on a mechanical recording
47 device which directly records the votes electronically, maintained in a
48 separate sealed container,



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1 until any contest of election is resolved or the date for filing a contest of
2 election has passed, whichever is later.

3 **Sec. 7.** NRS 293.3095 is hereby amended to read as follows:

4 293.3095 1. A person who, during the 6 months immediately
5 preceding an election, mails to more than a total of 500 registered voters a
6 form to request an absent ballot for the election shall:

7 (a) Mail the form prescribed by the secretary of state, which must, in
8 14-point type or larger:

9 (1) Identify the person who is mailing the form;

10 (2) Include a notice stating, "This is a request for an absent ballot.";
11 and

12 (3) State that ~~by returning the form,~~ *the registered voter must*
13 *return the form to the county clerk and that the person who mailed the*
14 *form will be submitted to the registered voter may not return the form to*
15 *the county clerk on behalf of the registered voter;*

16 (b) Not later than 14 days before mailing such a form, notify the county
17 clerk of each county to which a form will be mailed of the number of forms
18 to be mailed to voters in the county and the date of the mailing of the
19 forms; ~~and~~

20 (c) *Not return or offer to return to a county clerk a form that was*
21 *mailed to a registered voter pursuant to this subsection; and*

22 (d) Not mail such a form later than 21 days before the election.

23 2. The provisions of this section do not authorize a person to vote by
24 absent ballot if he is not otherwise eligible to vote by absent ballot.

25 **Sec. 8.** NRS 293.315 is hereby amended to read as follows:

26 293.315 1. A registered voter referred to in NRS 293.313 may, at
27 any time before 5 p.m. on the ~~Tuesday~~ *seventh working day* preceding
28 any election, make an application to that clerk for an absent voter's ballot.
29 The application must be made available for public inspection.

30 2. When the voter has identified himself to the satisfaction of the clerk,
31 he is entitled to receive the appropriate ballot or ballots, but only for his
32 own use.

33 3. A county clerk who allows a person to copy information from an
34 application for an absent ballot is immune from any civil or criminal
35 liability for any damage caused by the distribution of that information,
36 unless he knowingly and willingly allows a person who intends to use the
37 information to further an unlawful act to copy such information.

38 **Sec. 9.** NRS 293.323 is hereby amended to read as follows:

39 293.323 1. ~~It~~ *Except as otherwise provided in subsection 2, if* the
40 request for an absent ballot is made by mail or telegram, the county clerk
41 shall, as soon as the official absent ballot for the precinct or district in
42 which the applicant resides has been printed, send to the voter by first-class
43 mail if the absent voter is within the boundaries of the United States, its
44 territories or possessions or on a military base, or by air mail if the absent
45 voter is in a foreign country but not on a military base, postage prepaid:

46 (a) Except as otherwise provided in paragraph (b):

47 (1) An absent ballot;

48 (2) A return envelope;

49 (3) Supplies for marking the ballot;



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1 (4) An envelope or similar device into which the ballot is inserted to
2 ensure its secrecy; and
3 (5) Instructions.
4 (b) In those counties using a mechanical voting system whereby a vote
5 is cast by punching a card:
6 (1) A card attached to a sheet of foam plastic or similar backing
7 material;
8 (2) A return envelope;
9 (3) A punching instrument;
10 (4) A sample ballot;
11 (5) An envelope or similar device into which the card is inserted to
12 ensure its secrecy; and
13 (6) Instructions.
14 2. *If the county clerk is unable or otherwise fails to send an absent*
15 *ballot pursuant to subsection 1 in a timely manner to a voter who resides*
16 *within the continental United States, the county clerk may use a facsimile*
17 *machine to send an absent ballot and instructions to the voter. The voter*
18 *shall mail his absent ballot to the county clerk.*
19 3. The return envelope *sent pursuant to subsection 1* must include
20 postage prepaid by first-class mail if the absent voter is within the
21 boundaries of the United States, its territories or possessions or on a
22 military base.
23 ~~3.1~~ 4. Nothing may be enclosed or sent with an absent ballot except
24 as required by subsection 1 ~~+~~
25 ~~4.1~~ *or 2.*
26 5. Before depositing ~~the~~ *a* ballot in the mails ~~+~~ *or sending a ballot*
27 *by facsimile machine*, the county clerk shall record the date the ballot is
28 issued, the name of the registered voter to whom it is issued, his precinct or
29 district, his political affiliation, if any, the number of the ballot and any
30 remarks he finds appropriate.
31 6. *The secretary of state shall adopt regulations to carry out the*
32 *provisions of subsection 2.*
33 7. *As used in this section, "facsimile machine" means a device which*
34 *sends or receives a reproduction or facsimile of a document or*
35 *photograph which is transmitted electronically or telephonically by*
36 *telecommunications lines.*
37 **Sec. 10.** NRS 293.325 is hereby amended to read as follows:
38 293.325 1. Except as otherwise provided in subsections 2 and 3,
39 when an absent ballot is returned by a registered voter to the county clerk
40 through the mails and record thereof is made in the absent ballot record
41 book, the county clerk shall *neatly stack the absent ballot with any other*
42 *absent ballot received that day in a container, seal the container with a*
43 *numbered seal and* deliver, or cause to be delivered, that ~~the ballot~~ *container*
44 to the precinct or district election board.
45 2. If the county clerk has appointed an absent ballot central counting
46 board, the county clerk shall, upon receipt of each absent voter's ballot,
47 make a record of the return and check the signature on the return envelope
48 against the original signature of the voter on the county clerk's register. If
49 the county clerk determines that the absent voter is entitled to cast his



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1 ballot, he shall deposit the ballot in the proper ballot box. *At the end of*
2 *each day before election day, the county clerk shall remove the ballots*
3 *from each ballot box, neatly stack the ballots in a container and seal the*
4 *container with a numbered seal.* On election day the county clerk shall
5 deliver the ballot box *and each container* to the absent ballot counting
6 board to be counted.

7 3. If the county uses a mechanical voting system, the county clerk
8 shall, upon receipt of each absent voter's ballot, make a record of the return
9 and check the signature on the return envelope against the original
10 signature of the county clerk's register. If the county clerk determines that
11 the absent voter is entitled to cast his ballot, he shall deposit the ballot in
12 the proper ballot box. *At the end of each day before election day, the*
13 *county clerk shall remove the ballots from each ballot box, neatly stack*
14 *the ballots in a container and seal the container with a numbered seal.*
15 On election day the county clerk shall deliver the ballot box *and each*
16 *container* to the central counting place.

17 **Sec. 11.** NRS 293.330 is hereby amended to read as follows:

18 293.330 1. ~~When~~ *Except as otherwise provided in NRS 293.3157*
19 *and subsection 2 of NRS 293.323 and any regulations adopted pursuant*
20 *thereto, when* an absent voter receives his ballot, he must mark and fold it,
21 if it is a paper ballot, or punch it, if the ballot is voted by punching a card,
22 in accordance with the instructions, deposit it in the return envelope, seal
23 the envelope, affix his signature on the back of the envelope in the space
24 provided therefor and mail the return envelope.

25 2. If the absent voter who has received a ballot by mail applies to vote
26 the ballot in person at:

27 (a) The county clerk's office, he must mark or punch the ballot, seal it
28 in the return envelope and affix his signature in the same manner as
29 provided in subsection 1, and deliver the envelope to the clerk.

30 (b) A polling place, he must surrender the absent ballot and provide
31 satisfactory identification before being issued a ballot to vote at the polling
32 place. A person who receives a surrendered absent ballot shall mark it
33 "Canceled."

34 3. Except as otherwise provided in NRS 293.316, it is unlawful for any
35 person to return an absent ballot other than the voter who requested the
36 absent ballot or, at the request of the voter, a member of his family. A
37 person who returns an absent ballot and who is a member of the family of
38 the voter who requested the absent ballot shall, under penalty of perjury,
39 indicate on a form prescribed by the county clerk that he is a member of
40 the family of the voter who requested the absent ballot and that the voter
41 requested that he return the absent ballot. A person who violates the
42 provisions of this subsection is guilty of a category E felony and shall be
43 punished as provided in NRS 193.130.

44 **Sec. 12.** NRS 293.333 is hereby amended to read as follows:

45 293.333 ~~It~~ On the day of an election, the precinct or district
46 election boards receiving the absent voters' ballots from the county clerk
47 shall, in the presence of a majority of the election board officers, *remove*
48 *the ballots from the ballot box and the containers in which the ballots*



1 *were transported pursuant to NRS 293.325 and* deposit the ballots in the
2 *regular* ballot box in the following manner:

3 ~~1(a)~~ 1. The name of the voter, as shown on the return envelope, must
4 be called and checked as if the voter were voting in person; ~~and~~
5 ~~2(b)~~ 2. The signature on the back of the return envelope must be
6 compared with that on the original application to register to vote ~~+~~
7 ~~2+~~;
8 3. If the board determines that the absent voter is entitled to cast his
9 ballot, the envelope must be opened, the numbers on the ballot and
10 envelope compared, the number strip or stub detached from the ballot, and,
11 if the numbers are the same, the ballot deposited in the regular ballot box ~~+~~
12 ~~3+~~; *and*

13 4. The election board officers shall mark in the pollbook opposite the
14 name of the voter the word "Voted."

15 **Sec. 13.** NRS 293.3602 is hereby amended to read as follows:
16 293.3602 If paper ballots or ballots which are voted by punching a
17 card are used during the period for early voting by personal appearance:
18 1. ~~1. The~~ *Each voting day during that period, the* ballots voted at the
19 permanent or temporary polling place must be *removed from the ballot*
20 *box, neatly stacked in a container that is sealed with a numbered seal*
21 *after the ballots are stacked inside. The sealed container must be*
22 delivered by an election board officer to the county clerk's office at the
23 close of each voting day. The seal on the ~~ballot box~~ *container* must
24 indicate the number of voted ballots contained in that ~~box~~ *container* for
25 that day.

26 2. When the ~~ballot box~~ *container* is delivered pursuant to subsection
27 1, the county clerk shall provide a new ~~ballot box~~ *container that may be*
28 sealed in the manner prescribed in NRS ~~293.359~~ *293.462*.

29 3. At the close of ~~the fourth~~ *each* voting day, ~~before the last day to~~
30 ~~vote early and at the close of each of the 3 days thereafter,~~ the county
31 clerk shall deliver all ballots voted to the ballot board for early voting. At
32 the close of the last voting day, the county clerk shall deliver to the ballot
33 board for early voting:

34 (a) Each remaining ~~ballot box containing~~ *container that holds* the
35 ballots voted early by personal appearance;
36 (b) A voting roster of all persons who voted early by personal
37 appearance; and
38 (c) Any list of registered voters used in conducting early voting.

39 4. Upon the receipt of ballots, the board shall:

40 (a) Remove all ballots from the ~~ballot boxes~~ *containers* and sort the
41 ballots by precinct or voting district;
42 (b) Count the number of ballots by precinct or voting district;
43 (c) Account for all ballots on an official statement of ballots; and
44 (d) Place all official ballots in the container provided to transport those
45 items to a central counting place and seal the container with a numbered
46 seal. The official statement of ballots must accompany the voted ballots to
47 the central counting place.



1 5. The county clerk shall allow members of the general public to
2 observe the handling of the ballots pursuant to ~~subsection~~ **subsections 1**
3 **and 4** if those members do not interfere with the handling of the ballots.

4 **Sec. 14.** NRS 293.3625 is hereby amended to read as follows:

5 293.3625 The county clerk shall make a record of the receipt at the
6 central counting place of each sealed container used to transport official
7 ballots pursuant to NRS **293.304, 293.325**, 293.3602, 293B.330 and
8 293B.335. The record must include the numbers indicated on the container
9 and its seal pursuant to NRS 293.462.

10 **Sec. 15.** NRS 293.363 is hereby amended to read as follows:

11 293.363 When the polls are closed, the counting board shall prepare to
12 count the ballots voted. ~~that day~~ The counting procedure must be public
13 and continue without adjournment until completed. If the ballots are paper
14 ballots or ballots which are voted by punching a card, the counting board
15 shall prepare in the following manner:

16 1. The pollbooks must be compared and errors corrected until the
17 books agree.

18 2. The **container that holds the ballots, or the** ballot box must be
19 opened and the ballots contained therein counted by the counting board and
20 opened far enough to ascertain whether each ballot is single. If two or more
21 ballots are found folded together to present the appearance of a single
22 ballot, they must be laid aside until the count of the ballots is completed. If,
23 on comparison of the count with the pollbook, a majority of the inspectors
24 are of the opinion that the ballots folded together were voted by one
25 person, the ballots must be rejected and placed in an envelope, upon which
26 must be written the reason for their rejection. The envelope must be signed
27 by the counting board officers and placed in the **container or** ballot box
28 after the count is completed.

29 3. If the ballots in the **container or** box are found to exceed in number
30 the number of names on the pollbooks, the ballots must be replaced in the
31 **container or** box, and a counting board officer, with his back turned to the
32 **container or** box, shall draw out a number of ballots equal to the excess.
33 The excess ballots must be marked on the back thereof with the words
34 "Excess ballots not counted." The ballots when so marked must be
35 immediately sealed in an envelope and returned to the county clerk with
36 the other ballots rejected for any cause.

37 4. When it has been ascertained that the pollbook and the number of
38 ballots agree with the number of names of registered voters shown to have
39 voted, the board shall proceed to count. If there is a discrepancy between
40 the number of ballots and the number of voters, a record of the discrepancy
41 must be made.

42 **Sec. 16.** NRS 293.367 is hereby amended to read as follows:

43 293.367 1. The basic factor to be considered by an election board
44 when making a determination of whether a particular ballot must be
45 rejected is whether any identifying mark appears on the ballot which, in the
46 opinion of the election board, constitutes an identifying mark such that
47 there is a reasonable belief entertained in good faith that the ballot has been
48 tampered with and, as a result of the tampering, the outcome of the election
49 would be affected.



1 2. The regulations for counting ballots must include provisions that:
2 (a) ~~[(A) A vote on a paper ballot may not be counted unless indicated by a~~
3 ~~cross in the appropriate square.~~
4 ~~—(b)—~~ An error in marking one or more votes on a ballot does not
5 invalidate any votes properly marked on that ballot.
6 ~~[(c) If more choices than permitted by the instructions are marked for~~
7 ~~any office or question, the vote for that office or question may not be~~
8 ~~counted.~~
9 ~~—(d) If it is impossible to determine a voter's choice for any office or~~
10 ~~question, his vote or votes for that office or question may not be counted.~~
11 ~~—(e)—~~ (b) A soiled or defaced ballot may not be rejected if it appears that
12 the soiling or defacing was inadvertent and was not done purposely to
13 identify the ballot.
14 ~~[(f)]~~ (c) Only devices provided for in this chapter or chapter 293B of
15 NRS may be used in marking ballots.
16 ~~[(g)]~~ (d) It is unlawful for any election board officer to place any mark
17 upon any ballot other than a spoiled ballot.
18 ~~[(h)]~~ (e) When an election board officer rejects a ballot for any alleged
19 defect or illegality, the officer shall seal the ballot in an envelope and write
20 upon the envelope a statement that it was rejected and the reason for
21 rejecting it. Each election board officer shall sign the envelope.
22 ~~[(i)]~~ (f) In counties where mechanical voting systems are used whereby
23 a vote is cast by punching a card, a superfluous punch into any card does
24 not constitute grounds for rejection of the ballot unless the election board
25 determines that the condition of the ballot justifies its exclusion pursuant to
26 subsection 1.
27 **Sec. 17.** NRS 293.384 is hereby amended to read as follows:
28 293.384 1. Beginning at 8 a.m. on the day before the day of an
29 election, the counting board, if it is responsible for counting absent ballots,
30 or the absent ballot central counting board shall withdraw all the ballots
31 ~~deposited in the absent voters' ballot boxes~~ *from each sealed container*
32 *that holds absent ballots received* before that day and ascertain that each
33 ~~box~~ *container* has the required number of ballots according to the county
34 clerk's absent voters' record.
35 2. ~~[(Any absent ballots received by the county clerk after 8 a.m. on the~~
36 ~~day that the ballots are withdrawn must be held by him until the ballots~~
37 ~~received before that day have been withdrawn pursuant to subsection 1.~~
38 ~~The clerk shall deposit those absent ballots in the appropriate ballot boxes.~~
39 ~~3.—~~ The counting board or absent ballot central counting board shall
40 count the number of ballots in the same manner as election boards.
41 **Sec. 18.** NRS 293.385 is hereby amended to read as follows:
42 293.385 1. After 8 a.m. on election day, the counting board, if it is
43 responsible for counting absent ballots, or the absent ballot central
44 counting board shall withdraw *from the appropriate sealed containers* all
45 the ballots received the previous day ~~[(from absent voters' ballot boxes)]~~ and
46 ascertain that each ~~box~~ *container* has the required number of ballots
47 according to the county clerk's absent voters' ballot record.
48 2. If any absent ballots are received by the county clerk on election day
49 pursuant to NRS 293.316, the county clerk shall ~~hold the ballots until~~



1 ~~ballots received before election day have been withdrawn pursuant to~~
2 ~~subsection 1. Thereafter, the county clerk shall~~ deposit the absent ballots
3 in the appropriate ballot boxes.

4 3. After 8 a.m. on election day, the appropriate board shall count in
5 public the votes cast on the absent ballots.

6 4. If paper ballots are used, the results of the absent ballot vote in each
7 precinct ~~shall~~ *must* be certified and submitted to the county clerk who
8 shall have the results added to the regular votes of the precinct. If a
9 mechanical voting system is used in which a voter casts his ballot by
10 punching a card which is counted by a computer, the absent ballots may be
11 counted with the regular votes of the precinct. The returns of absent ballots
12 must be reported separately from the regular votes of the precinct, unless
13 reporting the returns separately would violate the secrecy of a voter's
14 ballot. The county clerks shall develop a procedure to ensure that each
15 ballot is kept secret.

16 5. Any person who disseminates to the public in any way information
17 pertaining to the count of absent ballots before the polls close is guilty of a
18 misdemeanor.

19 **Sec. 19.** NRS 293.403 is hereby amended to read as follows:

20 293.403 1. A candidate defeated at any election may demand and
21 receive a recount of the vote for the office for which he is a candidate *to*
22 *determine the number of votes received for the candidate and the number*
23 *of votes received for the person who won the election* if within 3 working
24 days after the canvass of the vote and the certification by the county clerk
25 or city clerk of the abstract of votes ~~+~~

26 ~~—(a) He files~~ *the candidate who demands the recount:*

27 (a) *Files* in writing his demand with the officer with whom he filed his
28 declaration of candidacy or acceptance of candidacy; and

29 (b) ~~He deposits~~ *Deposits* in advance the estimated costs of the recount
30 with that officer.

31 2. Any voter at an election may demand and receive a recount of the
32 vote for a ballot question if within 3 working days after the canvass of the
33 vote and the certification by the county clerk or city clerk of the abstract of
34 votes:

35 (a) He files in writing his demand with:

36 (1) The secretary of state, if the demand is for a recount of a ballot
37 question affecting more than one county; or

38 (2) The county or city clerk who will conduct the recount, if the
39 demand is for a recount of a ballot question affecting only one county or
40 city; and

41 (b) He deposits in advance the estimated costs of the recount with the
42 person to whom he made his demand.

43 3. The estimated costs of the recount must be determined by the person
44 with whom the advance is deposited based on regulations adopted by the
45 secretary of state defining the term "costs."

46 4. As used in this section, "canvass" means:

47 (a) In any primary election, the canvass by the board of county
48 commissioners of the returns for a candidate or ballot question voted for in
49 one county or the canvass by the board of county commissioners last



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1 completing its canvass of the returns for a candidate or ballot question
2 voted for in more than one county.

3 (b) In any primary city election, the canvass by the city council of the
4 returns for a candidate or ballot question voted for in the city.

5 (c) In any general election:

6 (1) The canvass by the supreme court of the returns for a candidate
7 for a statewide office or a statewide ballot question; or

8 (2) The canvass of the board of county commissioners of the returns
9 for any other candidate or ballot question, as provided in paragraph (a).

10 (d) In any general city election, the canvass by the city council of the
11 returns for a candidate or ballot question voted for in the city.

12 **Sec. 20.** NRS 293.404 is hereby amended to read as follows:

13 293.404 1. Where a recount is demanded pursuant to the provisions
14 of NRS 293.403, the:

15 (a) County clerk of each county affected by the recount shall employ a
16 recount board to conduct the recount in the county, and shall act as
17 chairman of the recount board unless the recount is for the office of county
18 clerk, in which case the chairman of the board of county commissioners, *if*
19 *he is not a candidate on the ballot*, shall act as chairman of the recount
20 board. *If the recount is for the office of county clerk and the chairman of*
21 *the board of county commissioners is a candidate on the ballot, the*
22 *chairman of the board of county commissioners shall appoint another*
23 *member of the board of county commissioners who is not a candidate on*
24 *the ballot to act as chairman of the recount board. A member of the*
25 *board of county commissioners who is a candidate on the ballot may not*
26 *serve as a member of the recount board.* At least one member of the board
27 of county commissioners *who is not a candidate on the ballot* must be
28 present at the recount.

29 (b) City clerk shall employ a recount board to conduct the recount in the
30 city, and shall act as chairman of the recount board unless the recount is for
31 the office of city clerk, in which case the mayor of the city, *if he is not a*
32 *candidate on the ballot*, shall act as chairman of the recount board. *If the*
33 *recount is for the office of city clerk and the mayor of the city is a*
34 *candidate on the ballot, the mayor of the city shall appoint another*
35 *member of the city council who is not a candidate on the ballot to act as*
36 *chairman of the recount board. A member of the city council who is a*
37 *candidate on the ballot may not serve as a member of the recount board.*
38 At least one member of the city council *who is not a candidate on the*
39 *ballot* must be present at the recount.

40 2. Each candidate for the office affected by the recount and the voter
41 who demanded the recount, if any, may be present in person or by an
42 authorized representative, but may not be a member of the recount board.

43 ~~12-1~~ 3. Except in counties or cities using a mechanical voting system,
44 the recount must include a count and inspection of all ballots, including
45 rejected ballots, and must determine whether those ballots are marked as
46 required by law.

47 ~~13-1~~ 4. If a recount is demanded in a county or city using a mechanical
48 voting system, the person who demanded the recount shall select the
49 ballots for the office or ballot question affected from 5 percent of the



1 precincts, but in no case fewer than three precincts, after consultation with
2 each candidate for the office or his authorized representative. The recount
3 board shall examine the selected ballots, including any duplicate or
4 rejected ballots, shall determine whether the ballots have been voted in
5 accordance with this Title and shall count the valid ballots by hand. In
6 addition, a recount by computer must be made of all the selected ballots. If
7 the count by hand or the recount by computer of the selected ballots shows
8 a discrepancy equal to or greater than 1 percent or 5 votes, whichever is
9 greater, for any candidate for the office, or in favor of or against a ballot
10 question, from the original canvass of the returns, the county or city clerk
11 shall order a count by hand of all the ballots for that office ~~+~~ *or ballot*
12 *question.* Otherwise, the county or city clerk shall order a recount by
13 computer of all the ballots for the office ~~+~~

14 ~~4.~~ *or ballot question.*

15 **5.** The county or city clerk shall unseal and give to the recount board
16 all ballots to be counted.

17 ~~5.~~ **6.** In the case of a demand for a recount affecting more than one
18 county, the demand must be made to the secretary of state, who shall notify
19 the county clerks to proceed with the recount.

20 *7. If a recount of the ballots for an office or ballot question is*
21 *conducted pursuant to this section, all the ballots cast for that office or*
22 *ballot question must be recounted. A recount conducted pursuant to this*
23 *section must not be limited to any portion of the votes cast for that office*
24 *or ballot question.*

25 **Sec. 21.** NRS 293.462 is hereby amended to read as follows:

26 293.462 **1.** Each container used to transport official ballots ~~to a~~
27 ~~central counting place~~ pursuant to NRS **293.304, 293.325,** 293.3602,
28 293B.330 and 293B.335 must:

29 ~~1.~~ **(a)** Be constructed of metal or any other rigid material; and

30 ~~2.~~ **(b)** Contain a seal which is placed on the container to ensure
31 detection of any opening of the container.

32 **2.** The container and seal must be separately numbered for
33 identification.

34 **Sec. 22.** NRS 293B.360 is hereby amended to read as follows:

35 293B.360 **1.** To facilitate the processing and computation of votes
36 cast at any election conducted under a mechanical voting system, the
37 county clerk shall create a computer program and processing accuracy
38 board, and may create:

39 (a) A central ballot inspection board;

40 (b) An absent ballot mailing precinct inspection board;

41 (c) A ballot duplicating board;

42 (d) A ballot processing and packaging board; and

43 (e) Such additional boards or appoint such officers as he deems
44 necessary for the expeditious processing of ballots.

45 ~~1.~~ **2.** ~~He~~ *Except as otherwise provided in subsection 3, the* county
46 clerk may determine the number of members to constitute any board. He
47 shall make any appointments from among competent persons who are
48 registered voters in this state. The members of each board must represent
49 all political parties as equally as possible. The same person may be



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1 appointed to more than one board but must meet the particular
2 qualifications for each board to which he is appointed.

3 3. *If the county clerk creates a ballot duplicating board, the county*
4 *clerk shall appoint to the board at least two members. The members of*
5 *the ballot duplicating board must not all be of the same political party.*

6 4. All persons appointed *pursuant to this section* serve at the pleasure
7 of the county clerk.

8 **Sec. 23.** NRS 293B.375 is hereby amended to read as follows:

9 293B.375 If ballots which are voted by punching a card are used, the
10 ballot duplicating board shall:

11 1. Receive damaged ballots, including ballots which have been torn,
12 bent or mutilated.

13 2. Receive cards with incompletely punched chips.

14 3. Prepare on a distinctly colored, serially numbered ballot marked
15 "duplicate" an exact copy of each damaged ballot.

16 4. In the case of a card with an incompletely punched chip:

17 (a) Remove the incompletely punched chip ~~if~~ *if*:

18 (1) *The chip has at least one corner that is detached from the card;*
19 *or*

20 (2) *The fibers of paper on at least one edge of the chip are broken*
21 *in a way that permits unimpeded light to be seen through the card; or*

22 (b) Duplicate the card without punching the location of the incompletely
23 punched chip ~~if, according to the county clerk's determination of the~~
24 ~~probable intent of the voter, if~~:

25 (1) *The chip does not have at least one corner that is detached from*
26 *the card; and*

27 (2) *The fibers of paper on no edge of the chip are broken in a way*
28 *that permits unimpeded light to be seen through the card.*

29 5. Record the serial number of the duplicate ballot on the damaged
30 original ballot and return the damaged and duplicate ballots to the
31 appropriate ballot inspection board.

32 6. Hold aside the duplicated ballots for counting after all other ballots
33 are counted if this procedure is directed by the county clerk.

34 **Sec. 24.** Chapter 293C of NRS is hereby amended by adding thereto
35 the provisions set forth as sections 25 and 26 of this act.

36 **Sec. 25. 1.** *When counting a vote in an election, if more choices*
37 *than permitted by the instructions for a ballot are marked for any office*
38 *or question, the vote for that office or question may not be counted.*

39 2. *Except as otherwise provided in subsection 1, in an election in*
40 *which a paper ballot is used whereby a vote is cast by placing a cross in*
41 *the designated square on the paper ballot, a cross in the designated*
42 *square must be counted as a vote.*

43 3. *Except as otherwise provided in subsection 1, in an election in*
44 *which a mechanical voting system is used whereby a vote is cast by*
45 *punching a card:*

46 (a) *A chip on the card must be counted as a vote if:*

47 (1) *The chip has at least one corner that is detached from the card;*
48 *or*



- 1 (2) *The fibers of paper on at least one edge of the chip are broken*
2 *in a way that permits unimpeded light to be seen through the card.*
3 (b) *A writing or other mark on the card, including, without limitation,*
4 *a cross, check, tear or scratch, may not be counted as a vote. The votes*
5 *on such a card must be counted unless the ballot is otherwise*
6 *disqualified.*
7 4. *Except as otherwise provided in subsection 1, in an election in*
8 *which a mechanical voting system is used whereby a vote is cast by*
9 *darkening a designated space on the ballot:*
10 (a) *Except as otherwise provided in paragraph (b), a vote must be*
11 *counted if:*
12 (1) *There is a cross or dot in the designated space on the ballot;*
13 (2) *A line is drawn on the ballot around the name of a candidate; or*
14 (3) *In a general election, a line is drawn on the ballot around the*
15 *name of the political party of a candidate or the word "independent" or*
16 *"nonpartisan" following the name of a candidate.*
17 (b) *A dot or line described in paragraph (a) must not be counted as a*
18 *vote if there is a cross marked over the dot or line.*
19 5. *The secretary of state:*
20 (a) *May adopt regulations establishing additional uniform, statewide*
21 *standards, not inconsistent with this section, for counting a vote cast by a*
22 *method of voting described in subsection 2, 3 or 4; and*
23 (b) *Shall adopt regulations establishing uniform, statewide standards*
24 *for counting a vote cast by each method of voting used in this state that is*
25 *not described in subsection 2, 3 or 4, including, without limitation, a vote*
26 *cast on a mechanical recording device which directly records the votes*
27 *electronically.*
28 **Sec. 26. 1.** *If a political party provides a form to request an absent*
29 *ballot to a registered voter and the political party includes incorrect or*
30 *incomplete information on the form, the political party may correct the*
31 *information on the form after the registered voter completes the form*
32 *upon the approval of the city clerk.*
33 2. *If the city clerk authorizes a political party to correct information*
34 *pursuant to subsection 1, the city clerk shall:*
35 (a) *Notify all other political parties in this state of the authorization;*
36 *and*
37 (b) *Authorize the other political parties in this state to make similar*
38 *corrections.*
39 3. *An error in the information included by a political party in a form*
40 *to request an absent ballot does not constitute grounds for rejecting an*
41 *absent ballot cast by the voter.*
42 **Sec. 27.** NRS 293C.295 is hereby amended to read as follows:
43 293C.295 1. If a person is successfully challenged on the ground set
44 forth in paragraph (a) of subsection 2 of NRS 293C.292 or if a person
45 refuses to provide an affirmation pursuant to NRS 293C.525, the election
46 board shall instruct the voter that he may vote only at the special polling
47 place in the manner set forth in this section.
48 2. The city clerk shall maintain at least one special polling place at
49 such locations as he deems necessary during each election. The ballots



1 voted at the special polling place must be kept separate from the ballots of
2 voters who have not been so challenged or who have provided an
3 affirmation pursuant to NRS 293C.525 in:

4 (a) A special ballot box if the ballots are paper ballots or ballots that are
5 voted by punching a card; or

6 (b) A special sealed container if the ballots are ballots that are voted on
7 a mechanical recording device which directly records the votes
8 electronically.

9 3. *At the end of each day before election day, the city clerk shall*
10 *remove the ballots from the special ballot box, neatly stack the ballots,*
11 *place the ballots in a container and seal the container with a numbered*
12 *seal.*

13 4. A person who votes at a special polling place may place his vote
14 only for the following offices and questions:

15 (a) All officers for whom all voters in the city may vote; and

16 (b) Questions that have been submitted to all voters of the city.

17 ~~4.~~ 5. The ballots voted at the special polling place must be counted
18 when other ballots are counted and:

19 (a) If the ballots are paper ballots or ballots that are voted by punching a
20 card, maintained in a separate ballot box ~~or~~ *or sealed container*; or

21 (b) If the ballots are ballots that are voted on a mechanical recording
22 device that directly records the votes electronically, maintained in a
23 separate sealed container,

24 until any contest of election is resolved or the date for filing a contest of
25 election has passed, whichever is later.

26 **Sec. 28.** NRS 293C.306 is hereby amended to read as follows:

27 293C.306 1. A person who, during the 6 months immediately
28 preceding an election, mails to more than a total of 500 registered voters a
29 form to request an absent ballot for the election shall:

30 (a) Mail the form prescribed by the secretary of state, which must, in
31 14-point type or larger:

32 (1) Identify the person who is mailing the form;

33 (2) Include a notice stating, "This is a request for an absent ballot.";
34 and

35 (3) State that ~~by returning the form~~ *the registered voter must return*
36 *the form to the county clerk and that the person who mailed the form*
37 ~~will be submitted~~ *to the registered voter may not return the form* to the
38 city clerk ~~on behalf of the registered voter~~;

39 (b) Not later than 14 days before mailing such a form, notify the city
40 clerk of each city to which a form will be mailed of the number of forms to
41 be mailed to voters in the city and the date of the mailing of the forms;
42 ~~and~~

43 (c) *Not return or offer to return to the city clerk a form that was*
44 *mailed to a registered voter pursuant to this subsection; and*

45 (d) Not mail such a form later than 21 days before the election.

46 2. The provisions of this section do not authorize a person to vote by
47 absent ballot if he is not otherwise eligible to vote by absent ballot.



1 **Sec. 29.** NRS 293C.312 is hereby amended to read as follows:

2 293C.312 1. A registered voter referred to in NRS 293C.310 may, at
3 any time before 5 p.m. on the ~~Tuesday~~ *seventh working day* preceding
4 any election, make an application to the city clerk for an absent voter's
5 ballot. The application must be made available for public inspection.

6 2. When the voter has identified himself to the satisfaction of the city
7 clerk, he is entitled to receive the appropriate ballot or ballots, but only for
8 his own use.

9 3. A city clerk who allows a person to copy information from an
10 application for an absent ballot is immune from any civil or criminal
11 liability for any damage caused by the distribution of that information,
12 unless he knowingly and willingly allows a person who intends to use the
13 information to further an unlawful act to copy the information.

14 **Sec. 30.** NRS 293C.322 is hereby amended to read as follows:

15 293C.322 1. ~~HH~~ *Except as otherwise provided in subsection 2, if* the
16 request for an absent ballot is made by mail or telegram, the city clerk
17 shall, as soon as the official absent ballot for the precinct or district in
18 which the applicant resides has been printed, send to the voter by first-class
19 mail if the absent voter is within the boundaries of the United States, its
20 territories or possessions or on a military base, or by air mail if the absent
21 voter is in a foreign country but not on a military base, postage prepaid:

22 (a) Except as otherwise provided in paragraph (b):

- 23 (1) An absent ballot;
24 (2) A return envelope;
25 (3) Supplies for marking the ballot;
26 (4) An envelope or similar device into which the ballot is inserted to
27 ensure its secrecy; and
28 (5) Instructions.

29 (b) In those cities using a mechanical voting system whereby a vote is
30 cast by punching a card:

- 31 (1) A card attached to a sheet of foam plastic or similar backing
32 material;
33 (2) A return envelope;
34 (3) A punching instrument;
35 (4) A sample ballot;
36 (5) An envelope or similar device into which the card is inserted to
37 ensure its secrecy; and
38 (6) Instructions.

39 2. *If the city clerk is unable or otherwise fails to send an absent*
40 *ballot pursuant to subsection 1 in a timely manner to a voter who resides*
41 *within the continental United States, the city clerk may use a facsimile*
42 *machine to send an absent ballot and instructions to the voter. The voter*
43 *shall mail his absent ballot to the city clerk.*

44 3. The return envelope *sent pursuant to subsection 1* must include
45 postage prepaid by first-class mail if the absent voter is within the
46 boundaries of the United States, its territories or possessions or on a
47 military base.

48 ~~B-1~~ 4. Nothing may be enclosed or sent with an absent ballot except
49 as required by subsection 1 ~~†~~.



~~4.1~~ or 2.

5. Before depositing ~~the~~ a ballot with the United States Postal Service ~~or sending a ballot by facsimile machine~~, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

6. *The secretary of state shall adopt regulations to carry out the provisions of subsection 2.*

7. *As used in this section, "facsimile machine" means a device which sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.*

Sec. 31. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsections 2 and 3, when an absent ballot is returned by a registered voter to the city clerk through the mails, and record thereof is made in the absent ballot record book, the city clerk shall *neatly stack the absent ballot with any other absent ballot received that day in a container, seal the container with a numbered seal and* deliver, or cause to be delivered, that ~~ballot~~ container to the precinct or district election board.

2. If the city clerk has appointed an absent ballot central counting board, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. *At the end of each day before election day, the city clerk shall remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal.* On election day the city clerk shall deliver the ballot box *and each container* to the absent ballot counting board to be counted.

3. If the city uses a mechanical voting system, the city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the county clerk's register. If the city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. *At the end of each day before election day, the city clerk shall remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal.* On election day the city clerk shall deliver the ballot box *and each container* to the central counting place.

Sec. 32. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. ~~When~~ *Except as otherwise provided in 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when* an absent voter receives his ballot, he must mark and fold it, if it is a paper ballot, or punch it, if the ballot is voted by punching a card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.



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1 2. If the absent voter who has received a ballot by mail applies to vote
2 the ballot in person at:

3 (a) The city clerk's office, he must mark or punch the ballot, seal it in
4 the return envelope and affix his signature in the same manner as provided
5 in subsection 1, and deliver the envelope to the city clerk.

6 (b) A polling place, he must surrender the absent ballot and provide
7 satisfactory identification before being issued a ballot to vote at the polling
8 place. A person who receives a surrendered absent ballot shall mark it
9 "Canceled."

10 3. Except as otherwise provided in NRS 293C.317, it is unlawful for
11 any person to return an absent ballot other than the voter who requested the
12 absent ballot or, at the request of the voter, a member of his family. A
13 person who returns an absent ballot and who is a member of the family of
14 the voter who requested the absent ballot shall, under penalty of perjury,
15 indicate on a form prescribed by the city clerk that he is a member of the
16 family of the voter who requested the absent ballot and that the voter
17 requested that he return the absent ballot. A person who violates the
18 provisions of this subsection is guilty of a category E felony and shall be
19 punished as provided in NRS 193.130.

20 **Sec. 33.** NRS 293C.332 is hereby amended to read as follows:

21 293C.332 ~~++~~ On the day of an election, the precinct or district
22 election boards receiving the absent voters' ballots from the city clerk
23 shall, in the presence of a majority of the election board officers, *remove*
24 *the ballots from the ballot box and the containers in which the ballots*
25 *were transported pursuant to NRS 293C.325 and* deposit the ballots in the
26 *regular* ballot box in the following manner:

27 ~~1(a)~~ 1. The name of the voter, as shown on the return envelope, must
28 be called and checked as if the voter were voting in person; ~~and~~

29 ~~(b)~~ 2. The signature on the back of the return envelope must be
30 compared with that on the original application to register to vote ~~+~~

31 ~~2+~~;

32 3. If the board determines that the absent voter is entitled to cast his
33 ballot, the envelope must be opened, the numbers on the ballot and
34 envelope compared, the number strip or stub detached from the ballot and,
35 if the numbers are the same, the ballot deposited in the regular ballot box ~~+~~

36 ~~3+~~; and

37 4. The election board officers shall mark in the pollbook opposite the
38 name of the voter the word "Voted."

39 **Sec. 34.** NRS 293C.3602 is hereby amended to read as follows:

40 293C.3602 If paper ballots or ballots which are voted by punching a
41 card are used during the period for early voting by personal appearance:

42 1. ~~The~~ *Each voting day during that period, the* ballots voted at the
43 permanent or temporary polling place must be *removed from the ballot*
44 *box, neatly stacked in a container that is sealed with a numbered seal*
45 *after the ballots are stacked inside. The sealed container must be*
46 delivered by an election board officer to the city clerk's office at the close
47 of each voting day. The seal on the ~~ballot box~~ *container* must indicate the
48 number of voted ballots contained in that ~~box~~ *container* for that day.



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1 2. When the ~~ballot box~~ *container* is delivered pursuant to subsection
2 1, the city clerk shall provide a new ~~ballot box~~ *container that may be*
3 sealed in the manner prescribed in NRS ~~293C.359~~ *293C.700*.

4 3. At the close of ~~the fourth~~ *each* voting day, ~~before the last day to~~
5 ~~vote early and at the close of each of the 3 days thereafter,~~ the city clerk
6 shall deliver all ballots voted to the ballot board for early voting. At the
7 close of the last voting day, the city clerk shall deliver to the ballot board
8 for early voting:

9 (a) Each remaining ~~ballot box containing~~ *container that holds* the
10 ballots voted early by personal appearance;

11 (b) A voting roster of all persons who voted early by personal
12 appearance; and

13 (c) Any list of registered voters used in conducting early voting.

14 4. Upon the receipt of ballots, the board shall:

15 (a) Remove all ballots from the ~~ballot boxes~~ *containers* and sort the
16 ballots by precinct or voting district;

17 (b) Count the number of ballots by precinct or voting district;

18 (c) Account for all ballots on an official statement of ballots; and

19 (d) Place all official ballots in the container provided to transport those
20 items to a central counting place and seal the container with a numbered
21 seal. The official statement of ballots must accompany the voted ballots to
22 the central counting place.

23 5. The city clerk shall allow members of the general public to observe
24 the handling of the ballots pursuant to ~~subsection~~ *subsections 1 and 4* if
25 those members do not interfere with the handling of the ballots.

26 **Sec. 35.** NRS 293C.3615 is hereby amended to read as follows:

27 293C.3615 The city clerk shall make a record of the receipt at the
28 central counting place of each sealed container used to transport official
29 ballots pursuant to NRS *293C.295, 293C.325, 293C.3602, 293C.630 and*
30 293C.635. The record must include the numbers indicated on the container
31 and its seal pursuant to NRS ~~293.462~~ *293C.700*.

32 **Sec. 36.** NRS 293C.362 is hereby amended to read as follows:

33 293C.362 When the polls are closed, the counting board shall prepare
34 to count the ballots voted . ~~that day.~~ The counting procedure must be
35 public and continue without adjournment until completed. If the ballots are
36 paper ballots or ballots that are voted by punching a card, the counting
37 board shall prepare in the following manner:

38 1. The pollbooks must be compared and errors corrected until the
39 books agree.

40 2. The *container that holds the ballots, or the* ballot box must be
41 opened and the ballots contained therein counted by the counting board and
42 opened far enough to determine whether each ballot is single. If two or
43 more ballots are found folded together to present the appearance of a single
44 ballot, they must be laid aside until the count of the ballots is completed. If,
45 on comparison of the count with the pollbook, a majority of the inspectors
46 are of the opinion that the ballots folded together were voted by one
47 person, the ballots must be rejected and placed in an envelope, upon which
48 must be written the reason for their rejection. The envelope must be signed



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1 by the counting board officers and placed in the *container or* ballot box
2 after the count is completed.

3 3. If the ballots in the *container or* box are found to exceed the
4 number of names on the pollbooks, the ballots must be replaced in the
5 *container or* box and a counting board officer shall, with his back turned to
6 the *container or* box, draw out a number of ballots equal to the excess. The
7 excess ballots must be marked on the back thereof with the words “Excess
8 ballots not counted.” The ballots when so marked must be immediately
9 sealed in an envelope and returned to the city clerk with the other ballots
10 rejected for any cause.

11 4. When it has been determined that the pollbook and the number of
12 ballots agree with the number of names of registered voters shown to have
13 voted, the board shall proceed to count. If there is a discrepancy between
14 the number of ballots and the number of voters, a record of the discrepancy
15 must be made.

16 **Sec. 37.** NRS 293C.367 is hereby amended to read as follows:

17 293C.367 1. The basic factor to be considered by an election board
18 when making a determination of whether a particular ballot must be
19 rejected is whether any identifying mark appears on the ballot which, in the
20 opinion of the election board, constitutes an identifying mark such that
21 there is a reasonable belief entertained in good faith that the ballot has been
22 tampered with and, as a result of the tampering, the outcome of the election
23 would be affected.

24 2. Regulations for counting ballots must include provisions that:

25 (a) ~~1A vote on a paper ballot may not be counted unless indicated by a~~
26 ~~cross in the appropriate square.~~

27 ~~—(b)—~~ An error in marking one or more votes on a ballot does not
28 invalidate any votes properly marked on that ballot.

29 ~~1(c) If more choices than allowed by the instructions are marked for any~~
30 ~~office or question, the vote for that office or question may not be counted.~~

31 ~~—(d) If it is impossible to determine a voter's choice for any office or~~
32 ~~question, his vote or votes for that office or question may not be counted.~~

33 ~~—(e)—~~ (b) A soiled or defaced ballot may not be rejected if it appears that
34 the soiling or defacing was inadvertent and was not done purposely to
35 identify the ballot.

36 ~~1(c)~~ (c) Only devices provided for in this chapter, chapter 293 or 293B
37 of NRS may be used in marking ballots.

38 ~~1(e)~~ (d) It is unlawful for any election board officer to place any mark
39 upon any ballot other than a spoiled ballot.

40 ~~1(h)~~ (e) When an election board officer rejects a ballot for any alleged
41 defect or illegality, the officer shall seal the ballot in an envelope and write
42 upon the envelope a statement that it was rejected and the reason for
43 rejecting it. Each election board officer shall sign the envelope.

44 ~~1(i)~~ (f) In cities where mechanical voting systems are used whereby a
45 vote is cast by punching a card, a superfluous punch into any card does not
46 constitute grounds for rejection of the ballot unless the election board
47 determines that the condition of the ballot justifies its exclusion pursuant to
48 subsection 1.



1 **Sec. 38.** NRS 293C.382 is hereby amended to read as follows:
2 293C.382 1. Beginning at 8 a.m. on the day before the day of an
3 election, the counting board, if it is responsible for counting absent ballots,
4 or the absent ballot central counting board shall withdraw the ballots
5 ~~deposited in the absent voters' ballot boxes~~ *from each sealed container*
6 ~~that holds absent ballots received~~ before that day and determine whether
7 each ~~box~~ *container* has the required number of ballots according to the
8 city clerk's absent voters' record.

9 2. ~~Any absent ballots received by the city clerk after 8 a.m. on the day~~
10 ~~that the ballots are withdrawn must be held by him until the ballots~~
11 ~~received before that day have been withdrawn pursuant to subsection 1.~~
12 ~~The clerk shall deposit those absent ballots in the appropriate ballot boxes.~~

13 ~~3.~~ The counting board or absent ballot central counting board shall
14 count the number of ballots in the same manner as election boards.

15 **Sec. 39.** NRS 293C.385 is hereby amended to read as follows:

16 293C.385 1. After 8 a.m. on election day, the counting board, if it is
17 responsible for counting absent ballots, or the absent ballot central
18 counting board shall withdraw *from the appropriate sealed containers* all
19 the ballots received the previous day from ~~absent voters' ballot boxes~~ and
20 determine whether each ~~box~~ *container* has the required number of ballots
21 according to the city clerk's absent voters' ballot record.

22 2. If any absent ballots are received by the city clerk on election day
23 pursuant to NRS 293C.317, the city clerk shall ~~hold the ballots until the~~
24 ~~ballots received before election day have been withdrawn pursuant to~~
25 ~~subsection 1. Thereafter, the city clerk shall~~ deposit the absent ballots in
26 the appropriate ballot boxes.

27 3. After 8 a.m. on election day, the appropriate board shall count in
28 public the votes cast on the absent ballots.

29 4. If paper ballots are used, the results of the absent ballot vote in each
30 precinct must be certified and submitted to the city clerk, who shall have
31 the results added to the regular votes of the precinct. If a mechanical voting
32 system is used in which a voter casts his ballot by punching a card that is
33 counted by a computer, the absent ballots may be counted with the regular
34 votes of the precinct. The returns of absent ballots must be reported
35 separately from the regular votes of the precinct, unless reporting the
36 returns separately would violate the secrecy of a voter's ballot. The city
37 clerks shall develop a procedure to ensure that each ballot is kept secret.

38 5. Any person who disseminates to the public information relating to
39 the count of absent ballots before the polls close is guilty of a
40 misdemeanor.

41 **Sec. 40.** NRS 293C.640 is hereby amended to read as follows:

42 293C.640 1. To facilitate the processing and computation of votes
43 cast at an election conducted under a mechanical voting system, the city
44 clerk shall create a computer program and processing accuracy board, and
45 may create:

- 46 (a) A central ballot inspection board;
47 (b) An absent ballot mailing precinct inspection board;
48 (c) A ballot duplicating board;
49 (d) A ballot processing and packaging board; and



(e) Such additional boards or appoint such officers as he deems necessary for the expeditious processing of ballots.

2. ~~He~~ *Except as otherwise provided in subsection 3, the* city clerk may determine the number of members to constitute any board. He shall make any appointments from among competent persons who are registered voters in this state. The same person may be appointed to more than one board but must meet the qualifications for each board to which he is appointed.

3. *If the city clerk creates a ballot duplicating board, the city clerk shall appoint to the board at least two members. The members of the ballot duplicating board must not all be of the same political party.*

4. All persons appointed *pursuant to this section* serve at the pleasure of the city clerk.

Sec. 41. NRS 293C.655 is hereby amended to read as follows:

293C.655 If ballots that are voted by punching a card are used, the ballot duplicating board shall:

1. Receive damaged ballots, including ballots that have been torn, bent or mutilated.

2. Receive cards with incompletely punched chips.

3. Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

4. In the case of a card with an incompletely punched chip:

(a) Remove the incompletely punched chip ~~if~~ *if*:

(1) The chip has at least one corner that is detached from the card; or

(2) The fibers of paper on at least one edge of the chip are broken in a way that permits unimpeded light to be seen through the card; or

(b) Duplicate the card without punching the location of the incompletely punched chip ~~if, according to the city clerk's determination of the probable intent of the voter, if~~:

(1) The chip does not have at least one corner that is detached from the card; and

(2) The fibers of paper on no edge of the chip are broken in a way that permits unimpeded light to be seen through the card.

5. Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

6. Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the city clerk.

Sec. 42. NRS 293C.700 is hereby amended to read as follows:

293C.700 *1.* Each container used to transport official ballots ~~to a central counting place~~ pursuant to NRS *293C.295, 293C.325,* 293C.3602, 293C.630 and 293C.635 must:

~~1-1~~ *(a)* Be constructed of metal or any other rigid material; and

~~2-1~~ *(b)* Contain a seal which is placed on the container to ensure detection of any opening of the container.

2. The container and seal must be separately numbered for identification.



1 **Sec. 43.** Chapter 295 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 44 and 45 of this act.

3 **Sec. 44.** *A person who obtains the signature of a voter on a petition*
4 *for initiative or referendum that is governed by this chapter shall, before*
5 *the voter signs the petition:*

6 1. *Inform the voter of the provisions of the petition; and*

7 2. *Identify any provision of Nevada Revised Statutes or of the*
8 *constitution of this state proposed to be amended by the petition.*

9 **Sec. 45.** 1. *A person who circulates a petition for initiative or*
10 *referendum that is governed by this chapter shall not willfully*
11 *misrepresent the provisions of the petition to a voter to obtain the*
12 *signature of the voter on the petition.*

13 2. *A person who violates the provisions of this section is subject to a*
14 *civil penalty of not more than \$5,000 for each violation and payment of*
15 *court costs and attorney's fees. The civil penalty must be recovered in a*
16 *civil action brought in the name of the State of Nevada by the secretary*
17 *of state in the first judicial district court and deposited with the state*
18 *treasurer for credit to the state general fund.*

19 **Sec. 46.** This act becomes effective upon passage and approval.

